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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/838,484	04/19/2001	Eduardo Agosto Sciammarella	450100-03166	8959
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FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			PESIN, BORIS M	
			ART UNIT	PAPER NUMBER
			2174	

DATE MAILED: 09/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/838,484

Applicant(s)

SCIAMMARELLA ET AL.

Examiner

Boris Pesin

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-5, 7-13, 15-23 and 25-40 is/are rejected.
7) ☒ Claim(s) 6, 14 and 24 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 19 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This communication is responsive to Amendment A, filed 5/07/2004.
2. Claims 1-40 are pending in this application. Claims 1, 39 and 40 are independent claims. In the Amendment A, Claims 1, 39 and 40 were amended. This action is made Final.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

Claims 1-3, 26, 33, 39 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyao et al. (US 6466237) in view of Watanabe et al. (US 5717848).

In regards to claim 1, Miyao teaches a device for managing data objects, comprising:

- a. displaying means for displaying thumbnails representative of data objects (abstract, lines 1-2).
- b. defining means for defining a focus region that indicates a focus thumbnail subject to processes (column 2, lines 47-50, *the closest and largest thumbnail is understood to be the thumbnail in focus*).
- c. moving means for moving the displayed thumbnails along a predetermined path through the focus region (column 13, lines 43-45).

d. enable/disable means for selectively enabling and disabling the moving means, the displaying means statically displaying a single thumbnail in the focus region when the enable/disable means disables the moving means, the displaying means displaying the thumbnails to move along the predetermined path through the focus region when the enable/disable means enables the moving means (column 15, lines 21-25 and 34-35).

Miyao does not teach a device wherein a shape of the predetermined path is modified based upon a speed with which the thumbnails move through the focus region. Watanabe teaches, "A motion path will change as the input side control velocity is set, and the resultant motion path is displayed immediately." Column 16, Line 14). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Miyao with the teachings of Watanabe and include a method to change the path based on velocity with the motivation to provide a system which permits anybody to use it easily (Miyao, Column 1, Line 38) and conveniently facilitates changing the path of movement.

In regards to claim 2, which is dependent on claim 1, Miyao teaches that a displaying means displays the thumbnails in partial overlap with sections of each thumbnail exposed, and changes relative position of thumbnails to change exposed sections of thumbnails while the enable/disable means enables the moving means (column 13, lines 29-36 and figures 11b, 12a, and 12b).

In regards to claim 3, which is dependent on claim 1, Miyao teaches that a displaying means displays the thumbnails in partial overlap, and changes overlapping

sections of thumbnails while the enable/disable means disables the moving means (column 13, lines 29-36 and figures 11b, 12a, and 12b).

In regards to claim 26, which is dependent on claim 1, Miyao teaches a request means for indicating desire for further information on data object that corresponds to the focus thumbnail, the displaying means enlarging display of the focus thumbnail when the further request means indicates a desire for further information (column 14, lines 64-67).

In regards to claim 33, which is dependent on claim 1, Miyao teaches a search means for searching to find thumbnails that meet certain criteria, the displaying means displaying only thumbnails found by the search means (column 18, lines 6-9).

Claims 39 and 40 are similar in scope to claim 1, and are therefore rejected under similar rationale.

Claims 4, 5, 7, 8, 9, 10, 12, 15, 17, 18, 19, 25, 27, and 35-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyao et al. (US 6466237) in view of Watanabe et al. (US 5717848) further in view of Microsoft PowerPoint ("MS PowerPoint", Screen Dumps Figures 1-3 and 7-8).

As per claim 4, which is dependent on claim 1, Miyao and Watanabe teach a device for managing data objects. Miyao and Watanabe do not disclose that a displaying means further displays an interface portion with a plurality of indicia, and further comprising selection means for selecting one of the indicia of the interface portion. MS PowerPoint teaches that it is known to have a plurality of indicia and a

selection interface to select these indicia (figure 2, element 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine a device to manage data objects, as taught by Miyao and Watanabe, with a method to select a plurality of indicia, as taught by MS PowerPoint, in order to allow the user a way to change the look and feel of a device for managing data objects to better suit his/her needs.

As per claim 5, which is dependent on claim 4, the combination of Miyao, Watanabe, and MS PowerPoint teach that the indicia include a plurality of layout indicia each representing one of a plurality of layouts, the displaying means displaying the thumbnails in relative positions (MS PowerPoint, figure 2, element 1), and the moving means moving the thumbnails along a predetermined path, in accordance with the layout indicium selected by the selection means (Miyao column 42, lines 65-68).

As per claim 7, which is dependent on claim 5, the combination of Miyao, Watanabe, and MS PowerPoint teach that the displaying means displays the selected layout indicium at a present layout position to indicate presently displayed layout of the thumbnails; and when the selection means newly selects a layout indicium, the displaying means displays movement of the newly selected layout indicium to the present layout position and movement of a preceding selected layout indicium out of the present layout position (Watanabe figures 2 and 3, *layout indicium chosen is indicated*).

As per claim 8, which is dependent on claim 5, the combination of Miyao, Watanabe, and MS PowerPoint teach that the layout indicia include a line indicium; and when the selection means selects the line indicium, the displaying means displays the

thumbnails in a line layout with the thumbnails aligned in partial overlap in a line (Miyao figure 75).

Claim 35 is similar in scope to claim 8, and is therefore rejected under similar rationale.

As per claim 9, which is dependent on claim 8, the combination of Miyao, Watanabe, and MS PowerPoint teach that the displaying means displays the thumbnails in the line layout with a reciprocal pivoting motion, the focus thumbnail serving as an unmoving axis of the pivoting movement (Miyao, column 43, lines 3-5, *it is noted that the line layout can pivot about the thumbnail in focus as this arrangement would not cause the user to have to shift their gaze and relocate the thumbnail in focus.*).

As per claim 10, which is dependent on claim 5, the combination of Miyao, Watanabe, and MS PowerPoint teach that the layout indicia include a circle indicium; and when the selection means selects the circle indicium, the displaying means displays the thumbnails in a circle layout with the thumbnails disposed in partial overlap in a circular ring (Miyao, column 11, lines 17-25).

Claim 36 is similar in scope to claim 10, and is therefore rejected under similar rationale.

As per claim 12, which is dependent on claim 5, the combination of Miyao Watanabe, and MS PowerPoint teach that the layout indicia include a grid indicium; and when the selection means selects the grid indicium, the displaying means displays the thumbnails in a grid layout with thumbnails aligned with fixed mutual positions in rows and columns (Miyao, column 1, line 30-35 and figure 78).

Claim 37 is similar in scope to claim 12, and is therefore rejected under similar rationale.

As per claim 15, which is dependent on claim 5, the combination of Miyao, Watanabe, and MS PowerPoint teach that the layout indicia include a helix indicium; and when the selection means selects the helix indicium, the displaying means displays the thumbnails in a helix layout that mimics a side view of a helix by displaying thumbnails at a far side of the helix in a smaller scale than thumbnails at a near side of the helix (Miyao column 36, lines 23-29).

Claim 38 is similar in scope to claim 15, and is therefore rejected under similar rationale.

As per claim 17, which is dependent on claim 15, the combination of Miyao, Watanabe, and MS PowerPoint teach that the displaying means displays movement of the thumbnails in the helix layout through the focus region by displaying spiral movement of the helix (Miyao, see Figure 76).

As per claim 18, which is dependent on claim 15, the combination of Miyao, Watanabe, and MS PowerPoint teach that the displaying means displays movement of the thumbnails in the helix layout through the focus region by shifting the helix one pitch distance to move the present focus thumbnail out of the focus region and to move a thumbnail of an adjacent ring of the helix into the focus region (Miyao, column 34, lines 35-39, *it is noted that a plurality of rings vertically adjacent with focus shifting between rings is equivalent to focus shifting between rings in a helix formation*).

As per claim 19, which is dependent on claim 5, the combination of Miyao, Watanabe, and MS PowerPoint teach that indicia include a plurality of layout indicia each representing one of a plurality of layouts, the displaying means displaying the thumbnails in relative positions, and the moving means moving the thumbnails along a predetermined path, in accordance with the layout indicium selected by the selection means (Miyao, column 42, lines 65-68). MS PowerPoint teaches that it is known to display the thumbnails moving into their new layout positions when a new layout is selected (Figures 2 and 3).

As per claim 25, which is dependent on claim 4, MS PowerPoint teaches that it is known to include indicia that launch applications and a means to select these indicia (Figures 7 and 8).

As per claim 27, which is dependent on claim 26, Miyao teaches a request means for indicating desire for further information on data object that corresponds to the focus thumbnail, the displaying means enlarging display of the focus thumbnail when the further request means indicates a desire for further information (column 14, lines 64-67). MS PowerPoint teaches that it is known to display application indicia when a thumbnail is enlarged or in focus (Figures 7 and 8).

Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miyao et al. (US 6466237) in view of Watanabe et al. (US 5717848) further in view of Schuetze et al. (US 6598054).

As per claim 28, which is dependent on claim 1, Miyao and Watanabe teach a device for managing data objects that has a displaying means for displaying thumbnails representative of data objects (Miyao, abstract, lines 1-2). Miyao and Watanabe do not disclose that the displaying means displays thumbnails of audio data objects for audio contents based on data of the audio data object. Schuetze teaches that it is known to display audio objects based on the data of the audio object (columns 11-12, lines 66-3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine a means to display thumbnails, as taught by Miyao and Watanabe, with the means to display audio objects, as taught by Schuetze, in order to be able to view a plurality of data types and allow the user more options and flexibility when using this system and method for viewing data objects.

Claims 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyao et al. (US 6466237) in view of Watanabe et al. (US 5717848) in view of Schuetze et al. (US 6598054) as applied to claim 28 and further in view of Jeong et al. (US 6256027).

As per claim 29 and 30, which are dependent on claim 28, the combination of Miyao, Watanabe, and Schuetze teach a displaying means displays thumbnails of audio data objects for audio contents based on data of the audio data object. Miyao, Watanabe, and Schuetze do not disclose that a displaying means displays thumbnails of audio data objects according to the amount of data in the audio data object or the content of data in the audio object. Jeong teaches that it is known to display data

according to the amount or content of data in an object (column 5, lines 19-22). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine a means to display audio thumbnails, as taught by Miyao, Watanabe, and Schuetze, with the ability to display data objects according to the amount or content of data in the object, as taught by Jeong, in order to allow the user to intuitively and immediately recognize the amount or content of data that a thumbnail represents.

Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miyao et al. (US 6466237) in view of Watanabe et al. (US 5717848) further in view of Mills et al. (US 6599147).

As per claim 31, which is dependent on claim 1, Miyao and Watanabe teach a device for managing data objects that has a displaying means for displaying thumbnails representative of data objects (Miyao, abstract, lines 1-2). Miyao and Watanabe do not disclose a retrieval means for retrieving data objects from a memory card; and a recognition means for recognizing presence of a memory card and activating the retrieval means when a memory card is present. Mills teaches that it is known to recognize the use of a memory card and to retrieve data objects from a memory card (abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine a device for managing data objects, as taught by Miyao and Watanabe, with the ability to retrieve data objects from a memory card, as taught by Mills, in order to allow the user a portable, external memory source on which to store data objects.

Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miyao et al. (US 6466237) in view of Watanabe et al. (US 5717848) in view of Mills et al. (US 6599147) as applied to claim 31 and further in view of Fujisawa et al. (US 5021989).

As per claim 32, which is dependent on claim 31, the combination of Miyao, Watanabe, and Mills teach a retrieval means for retrieving data objects from a memory card; and recognition means for recognizing presence of a memory card and activating the retrieval means when a memory card is present (Miyao column 40, lines 30-34). The combination of Miyao, Watanabe, and Mills do not disclose that the displaying means displays thumbnails one at a time in a sequence that the retrieval means retrieves the data objects from the memory card. Fujisawa teaches that it is known to display data objects in the order retrieved from memory (column 2, lines 5-9). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the means to retrieve data objects from memory, as taught by Miyao, Watanabe, and Mills, with the ability to display these data objects in the order they were retrieved, as taught by Fujisawa, in order to speed the retrieval and display process and increase the user's efficiency.

Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miyao et al. (US 6466237) in view of Watanabe et al. (US 5717848) further in view of Leah et al. (US 5808601).

As per claim 34, which is dependent on claim 1, Miyao and Watanabe teach all the limitations of claim 1. Miyao and Watanabe do not disclose that when the enable/disable means enables the moving means, the moving means determines a target position for each thumbnail, and moves the thumbnails to their respective target positions in an easing-in movement. Leah teaches that it is known to move objects in an easing-in movement (*Abstract, it is noted that easing-in is equivalent to repulsive or anti-gravity effects*). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine a device that manages and displays data objects, as taught by Miyao and Watanabe, with a means to ease-in moving objects, as taught by Leah, in order to create the illusion of fluid and realistic movement of data objects.

Claims 20, 22, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyao et al. (US 6466237) in view of Watanabe et al. (US 5717848) in view of Microsoft PowerPoint ("MS PowerPoint", Screen Dumps Figures 1-3 and 7-8) as applied to claim 4 and further in view of Microsoft Windows Explorer ("MS Explorer", Screen Dumps Figures 4-6).

As per claim 20, which is dependent on claim 4, the combination of Miyao, Watanabe, and MS PowerPoint teaches that it is known to have a plurality of indicia and a selection interface to select these indicia (MS PowerPoint figure 2, element 1). The combination of Miyao, Watanabe, and MS PowerPoint do not teach that the indicia include a plurality of order indicia each representing one of a plurality of predetermined

sequence orders, the displaying means displaying the thumbnails in an order represented by an order indicium selected by the selection means. MS Explorer teaches that it is known to display a plurality of order indicia and to order thumbnails according to the indicia selected (figures 5-6, element 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to create a plurality of indicia, as taught by the combination of Miyao, and Watanabe, and MS PowerPoint, with the indicia representing a plurality of orders for thumbnails, as taught by MS Explorer, in order for users to have an intuitive method of ordering data simply by selecting an indicia.

As per claim 22, which is dependent on claim 20, MS Explorer teaches that when the selection means selects a new order indicium that is different from a preceding selected order indicium, the displaying means repositions the thumbnails according a new order that corresponds to the new order indicium, while displaying movement of the thumbnails into positions appropriate for the new order (figures 5-6).

As per claim 23, which is dependent on claim 20, MS Explorer teaches that the order indicia include a time indicium; and when the selection means selects the time indicium, the displaying means displays the thumbnails in groups according to when the corresponding data objects were produced (figure 6, element 3).

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miyao et al. (US 6466237) in view of Watanabe et al. (US 5717848) in view of Microsoft PowerPoint ("MS PowerPoint", Screen Dumps Figures 1-3 and 7-8) as applied to claim

4 and further in view of Microsoft Windows Explorer ("MS Explorer", Screen Dumps Figures 4-6) as applied to claim 20 and further in view of Microsoft Excel ("MS Excel", Screen Dumps Figures 9-11).

As per claim 21, which is dependent on claim 20, the combination of Miyao, Watanabe, MS PowerPoint, and MS Explorer teach that it is known to display a plurality of order indicia and to order thumbnails according to the indicia selected (figures 5-6, element 2). MS Explorer does not teach that the displaying means displays the selected order indicium at a present order position to indicate present order of the thumbnails; and when the selection means newly selects an order indicium, the displaying means displays movement of the newly selected order indicium to the present order position and movement of a preceding selected order indicium out of the present order position. MS Excel teaches that it is known to indicate the ordering indicium selected (figures 10-11, *order chosen is indicated using radio buttons*). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine a plurality of ordering indicia, as taught by the combination of Miyao, Watanabe, MS PowerPoint, and MS Explorer, with the ability to display the selected ordering indicia, as taught by MS Excel, in order to allow the user how the data is ordered.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miyao et al. (US 6466237) in view of Watanabe et al. (US 5717848) in view of Microsoft

PowerPoint ("MS PowerPoint", Screen Dumps Figures 1-3 and 7-8) as applied to claim 10 and further in view of Sommers et al. (US 5940076).

As per claim 11, which is dependent on claim 10, the combination of Miyao, Watanabe and MS PowerPoint teach that the layout indicia include a circle indicium; and when the selection means selects the circle indicium, the displaying means displays the thumbnails in a circle layout with the thumbnails disposed in partial overlap in a circular ring (column 11, lines 17-25). The combination of Miyao, Watanabe, and MS PowerPoint do not disclose that when the number of thumbnails exceeds a predetermined number, the displaying means displays a portion of the thumbnails in an arc with a predetermined radius and the moving means sequentially changes displayed thumbnails while enabled. Sommers teaches that it is known to use a predetermined radius to display thumbnails (column 4, lines 28-35). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine displaying thumbnails in circular ring, as taught by the combination of Miyao, Watanabe, and MS PowerPoint, with the limitation that the ring must have a predetermined radius, as taught by Sommers, in order to insure that the arc of the ring remains circular and does not become linear.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miyao et al. (US 6466237) in view of Watanabe et al. (US 5717848) in view of Microsoft PowerPoint ("MS PowerPoint", Screen Dumps Figures 1-3 and 7-8) as applied to claim 12 and further in view of Abraham et al. (US 5317306).

As per claim 13, which is dependent on claim 12, the combination of Miyao, Watanabe and MS PowerPoint teach that the layout indicia include a grid indicium; and when the selection means selects the grid indicium, the displaying means displays the thumbnails in a grid layout with thumbnails aligned with fixed mutual positions in rows and columns (column 1, line 30-35 and figure 78). The combination of Miyao, Watanabe, and MS PowerPoint do not disclose that the displaying means displays the thumbnails in the grid layout in rows having a length that can be completely displayed at once; and when the enable/disable means enables the moving means, the moving means moves the thumbnails of a single column through the focus region. Abraham teaches that it is known to automatically move columns through a focus region (column 1, line 13-15). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the means to display thumbnails in a grid, as taught by the combination of Miyao, Watanabe, and MS PowerPoint, with the ability to move through columns of the grid, as taught by Abraham, in order to allow the user flexibility in how they view the thumbnail images.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miyao et al. (US 6466237) in view of Watanabe et al. (US 5717848) in view of Microsoft PowerPoint ("MS PowerPoint", Screen Dumps Figures 1-3 and 7-8) as applied to claim 15 and further in view of Gagné et al. (US 5731819).

As per claim 16, which is dependent on claim 15, the combination of Miyao, Watanabe, and MS PowerPoint teach that the layout indicia include a helix indicium;

Art Unit: 2174

and when the selection means selects the helix indicium, the displaying means displays the thumbnails in a helix layout that mimics a side view of a helix by displaying thumbnails at a far side of the helix in a smaller scale than thumbnails at a near side of the helix (column 36, lines 23-29). The combination of Miyao, Watanabe, and MS PowerPoint do not disclose that the displaying means displays the thumbnails in the helix layout to mimic a helix with a shorter radius when the enable/disable means enables the moving means than when the enable/disable means disables the moving means. Gagne teaches that it is known to apply the centripetal property to visual objects so as to heighten the realism of a graphic user interface. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine a means to display thumbnails in a helix, as taught by the combination of Miyao, Watanabe, and MS PowerPoint, with the property that the helix's radius shortens when spinning, as taught by Gagne, in order to provide the user with a more realistic sense of motion and therefore and more realistic look and feel to the helix structure.

Allowable Subject Matter

Claims 6, 14, and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Response to Arguments

Applicant's arguments with respect to claims 1-40 have been considered but are moot in view of the new ground(s) of rejection.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boris Pesin whose telephone number is (703) 305-8774. The examiner can normally be reached on Monday-Friday except every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (703) 308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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